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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Globalization and its impact on the full enjoyment of all human rights

Report of the Secretary-General

Summary

The Secretary-General submits the present report in response to General Assembly resolution 69/173, in which the Assembly requested the Secretary-General to seek the views of Member States and relevant agencies of the United Nations system and to submit to the Assembly at its seventieth session a substantive report on the impact of globalization on the full enjoyment of all human rights based on those views, including recommendations on ways to address the subject. The report summarizes the views received from the Governments of Bosnia and Herzegovina, Cuba, Peru, Serbia and Tunisia, as well as the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the World Meteorological Organization (WMO). The report identifies common concerns and topics of interest. It concludes by making recommendations on how to address the impact of globalization on the full enjoyment of human rights.

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I. Introduction

1. In its resolution 69/173, the General Assembly took note of the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/69/99) and requested the Secretary-General to continue to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the Assembly at its seventieth session a substantive report on the subject based on those views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights.

2. Pursuant to that request, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a request on 19 March 2015 to Member States and relevant agencies of the United Nations system for their views on the issue. As of 30 June 2015, OHCHR had received responses from the Governments of Bosnia and Herzegovina, Cuba, Peru, Serbia and Tunisia, as well as the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the World Meteorological Organization (WMO).

3. The replies are summarized below* followed by conclusions and recommendations to address the impact of globalization on the full enjoyment of all human rights.

II. Summary of replies received

A. Member States

Bosnia and Herzegovina

4. The Government of Bosnia and Herzegovina stated that the process of globalization has been most pronounced in the area of trade and economy, which is confirmed by the existence of a number of global organizations in that field. However, globalization is not only an economic process, but also has social, political, cultural and legal dimensions with an impact on the full enjoyment of all human rights. Bosnia and Herzegovina believes that the equality of rights of countries in the process of globalization has been guaranteed only declaratively, being limited to calls for respect of the basic principles which underpin human rights. Nevertheless, when it comes to the achievable rights, the reality remains that developing countries depend on the will of certain "key countries" which "lead" globalization and liberalization of world trade.

5. Bosnia and Herzegovina is involved in the process of globalization of trade and, accordingly, it is committed to building a liberal trade regime based on the principles of transparency and respect for an open, predictable, non-discriminatory, rules-based international trading system. To that end, it has concluded a number of multilateral, regional and bilateral trade agreements and joined the World Trade Organization (WTO). Its strategy is aimed at promoting the full enjoyment of human rights for all people, primarily the right to work, and is based on the country's commitment to political, economic and institutional stability, including enhanced participation by civil society and administration reform.

* The texts of the original submissions are on file with the Secretariat and are available for consultation.

6. Bosnia and Herzegovina reaffirmed the international commitments expressed in General Assembly resolution 69/173 relating to eliminating hunger and securing food for all and promoting equitable and environmentally sustainable economic growth. Bosnia and Herzegovina intends to become actively involved in the Committee on World Food Security within the Food and Agriculture Organization of the United Nations (FAO). The country takes an active part in the FAO Commission on Genetic Resources and Agriculture, which deals inter alia with the issue of equitable access to and benefits sharing of genetic resources for food and agriculture in the light of globalization. Additionally, Bosnia and Herzegovina announced that it will adopt the Principles for Responsible Investment in Agriculture and Food Systems and the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. The Government stated that it has prepared an action plan for the development of strategies for safe food supply in a context of globalization.

Cuba

7. The Government of Cuba reaffirmed that the subject of globalization should be addressed in the General Assembly, as it is the most universal and representative forum. It emphasized the need to adopt global measures that address the needs of developing countries, with the participation of all peoples under the principle of shared responsibility, taking into account the interdependence generated by globalization and its impact on various facets of life. The international agenda must prioritize themes such as reducing the unequal distribution of the benefits of globalization and narrowing the gap between the rich and poor, among and within countries.

8. Cuba emphasized the importance of placing development at the centre of the international economic agenda. It called for the replacement of current financial institutions and the establishment of a democratic, transparent and equitable international system. It provided concrete suggestions including a development tax, the cancellation of foreign debt, an increase in development assistance which should not be conditional or subordinate to the economic and political interests of donors, and a return to the preferential trade agreements with special and differential treatment. Cuba lamented that although international instruments have been made to make multilateral trade and monetary and finance systems more equitable, transparent, democratic and based on clear and non-discriminatory rules, little progress has been achieved to see these commitments materialize. It also called for reforms to make the United Nations system more democratic and effective.

9. Cuba listed the global economic crisis and speculative competition, the expanding business of warfare, unsustainable patterns of energy production and consumption, systemic damage to the environment and the food crisis as some of the effects of neoliberal globalization. Other effects listed include the imposition of one model of democracy, increasing threats of the use of military force, limitations on the transfer of technology from developed to developing countries, intellectual property systems aimed at defending monopolies and interests of developed countries as well as restrictions on migration.

10. In Cuba's opinion, globalization has resulted in a decrease in the role of the State and its economic capacity to realize the right to development and to guarantee basic public services such as education, health, and social security. This has resulted

in greater inequality and a lack of access to economic, social, and cultural rights for millions of people. In the view of Cuba, globalization should have been a positive force for all people and countries; instead, it has become a way in which the power centres impose their visions and perpetuate the dependency of developing countries.

Peru

11. Peru reported that General Assembly resolution 69/173 is in line with the Political Constitution of Peru since the latter places the defence of the human being and the respect of his or her dignity as the supreme objective of society and the State. Peru stated that such principles and the main universal human rights instruments invoked by the resolution also inspire and are in harmony with its National Plan for Human Rights 2014-2016.

12. According to Peru, the protection of economic freedom and the promotion of private investment have allowed the country to become integrated in the process of globalization and achieve economic growth, consolidating the Peruvian economy in the region. The country has allocated resources to the implementation of public policies for the promotion of employment, education, health care, security, public services and infrastructure in order to guarantee the fundamental rights of the population. The National Plan for Human Rights is part of that strategy, with the objective of increasing the effective enjoyment and exercise of human rights through the promotion of a culture of respect for human dignity at all levels of society and the incorporation of a rights perspective in all public policies.

13. The Government of Peru highlighted the urgent need to establish an equitable, transparent and democratic international system to strengthen and broaden the participation of developing countries in international economic decision-making and norm-setting. Peru has expressed a favourable opinion of the resolution which, in its view, drives States to act in response to the diverse effects of globalization with a development-oriented approach and in a context in which human rights are fully guaranteed. The Government of Peru has recommended that resolution 69/173 be used as a normative base and justification for future public policies and related instruments in which the Peruvian State and its judicial sector participate.

Serbia

14. The Government of Serbia stated that, as a country in transition, it tends to keep the impact of globalization, both on the economic status of the population and on the exercise of human rights, within a framework of sustainability. Serbia highlighted its strategy for development and promotion of corporate social responsibility. The strategy addresses the private sector's compliance with statutory obligations in areas such as health and safety, labour rights, consumer rights and environmental and industrial standards. It also includes reduction or elimination of negative effects of business activities on society and risk management and increasing positive effects of business activities and creating value through innovation, investment and partnerships.

15. Serbia adopted a strategy for prevention of and protection from discrimination after a broad participative process. This is considered to be the first strategic document dedicated to the fight against discrimination in the country, and is intended to contribute to the mitigation of the impact of globalization on the exercise of human rights. The strategy and its action plan concentrate on population

groups which may be vulnerable in the context of the negative aspects of globalization, owing primarily to poverty.

16. Serbia reported on other efforts carried out with the aim of promoting development and reducing the negative impact of globalization on the exercise of human rights. In this context, it cited the second national report on social inclusion and poverty reduction, the employment and social reform programme, the survey on incomes and living conditions, the monitoring framework for inclusive education in Serbia, the report on implementation of strategies for the advancement of Roma, the revision of the indicators on the Millennium Development Goals, and the projected index for gender equality and a council for the monitoring the implementation of recommendations of United Nations mechanisms for human rights.

Tunisia

17. The Government of Tunisia noted that there is a complex relationship between globalization and its effects on the full enjoyment of all human rights, with political, economic, social and cultural repercussions. It was of the opinion that globalization has two aspects: a realistic or materialistic aspect resulting from the huge scientific and technological evolution; and a moral aspect, which results from the expansionist competitive mode of production imposed by the market economy. The latter raises many concerns, especially in developing countries; since it allows developed countries to set their own unfair rules on trade, impose an overrated protection of intellectual property, and make information and technology transfer more expensive for developing countries.

18. Tunisia listed many of the benefits of globalization, including the development of agriculture, industry, production facilities, tourism, improved means of transportation, united financial and monetary policies, and expanded investment and economic integration. These advances have reshaped the world through production, marketing, funding, increasing work opportunities and improvement of technical and human efficiency. Tunisia warned, however, of the negative effects of globalization on the environment; and stressed the role of institutions in protecting the environment. The potential favourable effects of the mobility of goods and people across borders is an opportunity, if handled properly by Governments.

19. Tunisia stated that civil and political rights have been strengthened considerably in the era of globalization. The development of communication technologies and the information revolution have resulted in increased communications among peoples and made it more difficult to hide human rights violations. They have facilitated the monitoring of human rights violations and the adoption of targeted sanctions. Tunisia welcomed the spread of democratic principles, increased openness in trade, cultural and economic exchanges, and growth in the number of human rights organizations as a result of globalization.

20. In the opinion of Tunisia, economic and social rights did not get the same level of attention as civil and political rights, mainly as a result of the dominance of markets in globalization, and the devotion to increasing profits without considering its impact on human rights. The accumulation of human capabilities for society has been relegated through prioritization of the accumulation of capital. Machinery designed to save time and labour in economic and industrial activities has often resulted in an increase in poverty and unemployment rates. The international community should focus on the adoption of procedures and monitoring mechanisms

to limit the economic and financial domination of one group of countries over another.

21. It is in the area of cultural rights where globalization poses the greatest risks. The values rooted in the conscience of a people constitute their vision and view of the world. Individuals have the right to enjoy their own culture, language and religion, namely, having their own cultural specificity; and peoples have a right to their cultural identity. Tunisia believed that countries face an enormous disparity in their capacities to reach global influence in the context of globalization, which may in turn, have an adverse effect on these rights. Tunisia exemplified this point, by focusing on the media, where the majority of countries are for the most part recipients of information and perspectives emanating from a few.

B. United Nations organizations

United Nations Entity for Gender Equality and the Empowerment of Women

22. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) stated that the overall picture with respect to gender equality and the economy over the past two decades is one of limited progress. Financial globalization has brought with it the threat of destabilizing financial flows and periodic economic crises that can result in increased inequalities and vulnerability, with particular detrimental effects on poorer women. The globalization of trade and capital flows has also seen a concomitant rise in human mobility and labour migration in a context where many migrants, including migrant women, are irregular and do not enjoy the full protections of native workers. UN-Women is of the view that, while globalization has facilitated the increased movement of financing across borders, this financing often does not meet the needs of women and girls.

23. UN-Women stated that transformative economic and social policy agendas and a broad range of participatory gender-responsive social, economic and environmental policies are required in order to achieve gender equality and women's economic empowerment. With regard to the business community, UN-Women indicated that there is a growing demand for private actors to be held accountable for the impact of their actions on women's and girls' human rights, both within their borders and extraterritorially. Instruments such as the United Nations Guiding Principles on Business and Human Rights and the Women's Empowerment Principles provide a valuable shared framework and reference point. UN-Women also called attention to the fact that women's unequal access to land, water and other resources and productive assets, which are compounded by limited mobility and decision-making power in many contexts, also mean that they are disproportionally affected by climate change.

24. UN-Women noted that women and girls represent the majority of detected victims of human trafficking. Traffickers are taking advantage of transparent borders, broadband communication, and political and economic upheaval and mass migrations of people to exploit people in vulnerable situations. The solutions identified include, among others, addressing the structural causes of trafficking and all forms of violence through policies aimed at enhancing women's empowerment and non-discrimination, employment opportunities and labour market regulation and gender-sensitive labour migration.

25. UN-Women reported that there is a growing recognition of the potential of information and communications technology as tools for promoting gender equality and the empowerment of women accessing and using information and communications technology, although a "gender divide" has also been identified. Such divide is evidenced in discriminatory, violent and degrading situations such as the persistent objectified representations of women in the media, gaming and pornography, and the emerging forms of violence such as cyber-bullying, cyber-stalking, sex and bride trafficking, sexual harassment and violence perpetrated by means of information and communications technology. Development of national and global regulatory and voluntary mechanisms are required in order to make use of the potential of information and communications technology for the advancement of gender equality; and to address stereotypes and prevent discrimination through information and communications technology.

World Meteorological Organization

26. The World Meteorological Organization (WMO) referred to its work on the interaction of gender with weather and climate services, an important area of focus in addressing the challenges of sustainable development in the twenty-first century. WMO stated that numerous sectors of society are weather- and climate-sensitive, including disaster risk reduction, public health, water resources management and agriculture and food security. In these sectors, many of which are affected by ongoing globalization, communities require reliable weather and climate information. To be effective, weather and climate information services must meet the needs of all: women as well as men. Women and men should be able to make equally informed decisions with respect to the four priority areas of the Global Framework for Climate Services: food security, disaster risk reduction, water resources management and public health. To support these efforts the WMO has developed a policy on gender equality and empowerment of women.

III. Conclusions and recommendations

A. Conclusions

27. **The above responses reaffirmed the view that globalization is an increasingly complex and multidimensional process that affects countries differently and accelerates their exposure to external developments. It was suggested that although globalization leads to great opportunities for development and has positive effects in certain areas, its benefits are being unevenly shared and its costs unevenly distributed, with adverse effects on the full enjoyment of human rights. Some respondent States described strategies adopted at the national level to mitigate these adverse effects, including national plans for the protection of human rights and policies aimed at promoting corporate social responsibility. However, it was noted that the dominant role of markets vis-à-vis States makes it impossible for any State to address these challenges in isolation.**

28. **Concerns were raised on a range of specific issues, including perceived imbalances of power and lack of transparency and fairness in the international trade and financial systems; the situation of migrant workers, victims of**

trafficking and displaced persons; unsustainable patterns of energy production and consumption and the adverse effects on the environment; inequalities in access to food, land, water and basic services; threats to cultural identity; and, overall, the widening gap between the rich and the poor, both within and among countries. Discrimination and deeper inequalities of certain groups in situations of vulnerability — particularly women, minorities and migrants, have been highlighted.

29. While it was acknowledged that globalization has facilitated the increased movement of financing across borders, including through donor aid, foreign direct investment, and free trade, this increase has not correlated with enhanced equality among peoples. Good governance at all levels is widely regarded as a prerequisite to ensure that the benefits of globalization are reaped by all humanity. The call for participatory reform of international monetary and financial architecture and multilateral governance mechanisms remains a priority for respondent States.

30. Respondent States expressed concern that unfair trade rules, financial speculation and lack of inclusion of large sectors of the world population in the formal economy have led to a continuous and marked inequality between developed and developing countries. This imbalance is exemplified by strong pressure exerted towards liberalization of trade of industrialized goods and services while subsidies on primary goods are still a common practice among developed countries. This has also resulted in growing inequality within countries. The unprecedented increase of international migration flows, which reached an all-time high in 2013, and of human trafficking, as well as alarming levels of degradation of the environment, evidenced for instance in the loss of cropland and biodiversity, have been cited as signs of these disparities.

B. Recommendations

31. A human rights-based approach to global governance, including accountability of both the public and private sectors, is key to making globalization inclusive. The engines of globalization, such as trade, finance, investment and intellectual property systems, must not further undermine the realization of human rights, nor should they be permitted to threaten the integrity of the Earth's fragile ecosystems. The rising complexities of international business and global value chains, call for renewed efforts at more comprehensive regulation. Human rights principles should be a vital component of such regulation, including in the area of the settlement of disputes.

32. Free trade agreements and bilateral investment treaties have a direct impact on the human rights of individuals, groups, communities and peoples. Where these are negotiated without the involvement, consultation or consent of the general public, they conflict with obligations under international human rights instruments, including human rights treaties and the United Nations Declaration on the Right to Development. Global, regional and subregional arrangements for trade liberalization and promotion of foreign direct investment can diminish domestic policy space necessary to regulate in the public interest and to deliver on human rights obligations. Trade and

investment negotiations must be insulated from political or regulatory capture by private sector actors, be consistent with the obligations of democratic political participation and not undercut guarantees for economic, social and cultural rights, including the rights to food, water, health and social security. Towards this end, assessments of the potential impacts of trade and investment agreements on human rights are an essential prerequisite to future agreements. When undertaken, such assessments should also include recommendations on mechanisms for private sector accountability and victim redress.

33. **States must ensure that their positions on sustainable development, trade, finance and investment are at all times consistent with their human rights obligations.**

34. **Potential recommendations for further action include business reporting on their human rights impacts; recognition of civil society organizations and affected communities, as key actors, including in the context of natural resource exploitation; safeguarding rights of participation, information, access to justice, and the fundamental freedoms of peaceful assembly and of association to ensure transparency and accountability; and human rights-based reform of global economic governance. Human rights, the rule of law and democratic governance at all levels should guide and regulate globalization. To this end, the right to development, which assures equality of opportunity for development to all individuals and peoples, and calls for active, free and meaningful participation in development and the fair distribution of the benefits resulting therefrom, must be fulfilled, so as to meet equitably the sustainable development needs of present and future generations.**